

Notice of Allowability	Application No.	Applicant(s)	
	09/827,102	RINES ET AL.	
	Examiner	Art Unit	
	JOHN PAK	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/2005.
2. ☒ The allowed claim(s) is/are 1,3-8,39,2,9,11-15,40,10,16,41 [renumbered as 1-19].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

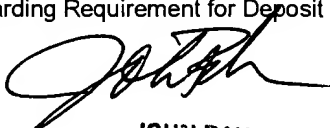
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>01192006</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|


JOHN PAK
PRIMARY EXAMINER
GROUP 1600

Claims 1-17 and 39-41 are pending in this application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rines on 1/13/2006.

Cancel claim 17.

Claim 1. (Currently amended) A water-releasing gel for use with plant material, obtained from a polyacrylate polymer powder having a size distribution of 45 to 1,000 microns, wherein a sufficient quantity of said polyacrylate polymer powder is gelled in an aqueous plant nutrient solution and the gel contains entrapped water-insoluble polyacrylate locked as a deposit therein.

Claim 2. (Currently amended) A water-releasing gel for use with plant material comprising a sufficient quantity of a polyacrylate polymer powder gelled in an aqueous solution of plant nutrient and zeolite crystals, wherein the gel contains entrapped water-insoluble polyacrylate and zeolite crystals locked as deposits therein.

Claim 3. (Currently amended) The gel of claim 1 wherein the plant nutrient solution is selected from the group consisting of plant-derived extracts and water-based chemical nutrients.

Claim 9. (Currently amended) A method of making a water-releasing gel for use with plant material, which comprises:

- producing an aqueous plant nutrient solution; and

- adding a sufficient quantity of polyacrylate polymer powder having a size distribution of 45 to 1,000 microns to the aqueous plant nutrient solution to obtain a gel with water-insoluble polyacrylate entrapped as a deposit locked therein.

Claim 10. (Currently amended) A method of making a water-releasing gel for use with plant material, which comprises:

- producing an aqueous solution comprising plant nutrient and zeolite crystals; and

- adding a sufficient quantity of polyacrylate polymer powder having a size distribution of 45 to 1,000 microns to said aqueous solution to obtain a gel with water-insoluble polyacrylate and zeolite crystals entrapped as deposits locked therein.

Claim 12. (Currently amended) The method of claim 9 wherein the plant nutrient solution is selected from the group consisting of plant-derived extracts and water-based chemical nutrients.

Claim 16. (Currently amended). A method of making a water-releasing gel for use with plant material, that comprises:

- producing an aqueous plant nutrient solution;

- dispersing zeolite crystals in said solution to absorb the nutrients; and

adding polyacrylate polymer powder to the solution to create a gel with the zeolite crystals absorbed therein.

Claim 40. (Currently amended) The method of making a water-releasing gel of claim 9, wherein the gel has the appearance of ice crystals.

Claim 41. (Currently amended) The method of making a water-releasing gel of claim 10, wherein the gel has the appearance of ice crystals.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN PAK
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